

SOUTH DAKOTA BOARD OF EDUCATION MINUTES

Date:	Thursday, January 19, 2017 – 8:30 a.m. Central Standard Time
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Location: MacKay Building, Library Commons, First Floor
800 Governors Drive, Pierre, South Dakota

Public telephonic access:
1-866-410-8397/conference code: 8381998525

For live streaming of meeting: <http://www.sd.net/mackay/>

Present: Sue Aguilar, Member
Glenna Fouberg, Member
Marilyn Hoyt, Member
Donald Kirkegaard, President
Deb Shephard, Vice President
Gopal Vyas, Member

Via phone: Kay Schallenkamp, Member

Absent: Scott Herman, Member

DOE Staff

in attendance: Dr. Melody Schopp, Tiffany Sanderson, Abby Javurek-Humig, Carla Leingang, Keley Smith Keller, Erin Larsen, Steve Fiechtner, Mary Stadick Smith, Daria Bossman, Jane Cronin, Roxy Thielen, Kathy Reidy, Deedra Gesinger, Holly Farris, and Ferne Haddock.

Others in attendance: Dr. Paul Turman (Board of Regents), Jim Jacobson (Southeast Technical Institute), Dr. Julie McAreavey (University of Sioux Falls, Sandy Arseneault (South Dakota Education Association), Rich Mittelstedt (South Dakota Education Association), and other members of the public present in person and via telephone.

Call to Order, Pledge of Allegiance, and Roll Call:

President Kirkegaard called the meeting to order at approximately 8:33 a.m. CST.

Adoption of Agenda:

Motion by Aguilar, second by Hoyt, to adopt the January 19, 2017, proposed agenda. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar	X			
Fouberg	X			
Herman				X
Hoyt	X			
Kirkegaard	X			
Schallenkamp	X			
Shephard	X			
Vyas	X			

Motion carried.

Approval of Minutes:

Motion by Vyas, second by Aguilar to approve the November 15, 2016, minutes. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar	X			
Fouberg	X			
Herman				X
Hoyt	X			
Kirkegaard	X			
Schallenkamp	X			
Shephard	X			
Vyas	X			

Motion carried.

Installation of officers

Kirkegaard and Shephard were installed as president and vice-president of the Board, respectively.

Executive Session Executive Session (SDCL 1-25-2)

Motion by Fouberg, second by Aguilar, to go into executive session pursuant to SDCL 1-25-2(3) to discuss legal issues with Board counsel. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar	X			
Fouberg	X			
Herman				X
Hoyt	X			

Kirkegaard	X			
Schallenkamp	X			
Shephard	X			
Vyas	X			

Motion carried.

The board went into executive session at approximately 8:37 a.m. CST.

President Kirkegaard brought the board out of executive session at approximately 8:56 a.m. CST.

Conflicts Disclosures (SDCL 3-23-3):

Sue Aguilar requested a waiver on two contracts between Lutheran Social Services (LSS) and the Department of Labor. Aguilar's husband sits on the board of LSS and these contracts could fall within the subject matter of the Board because they deal with college readiness and specifically GED, and the Board has general rulemaking authority regarding GED. Aguilar and her husband had nothing to do with the award of the contracts, her household derives no benefit, financial or otherwise, from the contracts, and the contracts serve the public interest.

Motion by Hoyt, second by Shephard, to approve the waiver as presented. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar			X	
Fouberg	X			
Herman				X
Hoyt	X			
Kirkegaard	X			
Schallenkamp	X			
Shephard	X			
Vyas	X			

Motion carried.

Dakota State University (DSU) Educator Preparation Program Accreditation Approval:

Steve Fiechtner, DOE, presented the results of DSU's educator preparation program accreditation review. Fiechtner provided background information on the accreditation review process for educator preparation programs, which occurs on a seven-year cycle and evaluates compliance with state and national standards. In April 2016, the Department and the Council of Accreditation of Educator Preparation (CAEP) conducted a joint review of DSU's educator preparation program. In October 2016, CAEP granted continued accreditation to DSU for seven

years. As a result of the Department's concurrent review, Fiechtner recommended the Board also approve DSU's accreditation for seven years in conjunction with CAEP's approval.

In response to Board questions, Fiechtner stated that the DOE has a joint partnership agreement with CAEP to conduct joint reviews for institutions with educator preparation programs that also belong to CAEP. Schools that are not part of CAEP are evaluated on only DOE standards, which have similar content to the CAEP standards.

Motion by Aguilar, second by Vyas. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar	X			
Fouberg	X			
Herman				X
Hoyt	X			
Kirkegaard	X			
Schallenkamp			X	
Shephard	X			
Vyas	X			

Motion carried.

University of Sioux Falls (USF) Educator Preparation Program Accreditation Approval:

Fiechtner presented the results of USF's educator preparation program accreditation review. This was also a joint review with CAEP, and occurred in February 2016. During that review, USF was notified that it was not in compliance with a substandard regarding documentation of recent graduate surveys. CAEP has allowed USF two years accreditation conditioned on formulating a plan to come into compliance with this requirement. Due to the DOE's joint agreement with CAEP, Fiechtner requested the Board approve USF's accreditation for two years. At that time, if USF has fully complied with all DOE and CAEP requirements, an additional five years may be approved.

Motion by Shephard, second by Hoyt. Roll call vote.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Aguilar	X			
Fouberg	X			
Herman				X
Hoyt	X			
Kirkegaard	X			
Schallenkamp			X	
Shephard	X			
Vyas	X			

Motion carried.

Board of Regents (BOR) Report:

Paul Turman, BOR vice president for academic affairs, presented information on the concurrent credit program, regulatory requirements affecting teacher preparation program, online learning opportunities, website and online service accessibility, and graduate placement statistics.

Technical Institute Continuing Program Report:

Keley Smith-Keller, DOE division of career and technical education, provided the technical institute continuing program report. Smith-Keller provided background information on how the report is formulated and how the programs are evaluated. The report is utilized to inform the respective technical institutes of programs with low enrollment and develop improvement plans for those programs.

In response to board questions, Jim Jacobsen, vice president at STI, provided information about STI's efforts to improve enrollment for its vascular ultrasound program which was one of the programs identified in the most recent continuing program review.

President Kirkegaard declared a break at approximately 9:59 a.m. CST.

President Kirkegaard called the meeting to order at approximately 10:15 a.m. CST.

Public Hearing—Standards: Career and Technical Education:

The Board convened the second public hearing at approximately 10:15 a.m. CT on the following proposed standards: Career and Technical Education. Two more public hearings are scheduled in March and May.

Erin Larsen, DOE division of career and technical education, testified in favor of all proposed CTE standards. Larsen outlined the organization of the CTE standards and the standards' breakdown into career clusters, pathways, and courses. The standards in each career cluster were revised through a common process in which the DOE partnered with the National Center for College and Career Transitions. Industry organizations such as the South Dakota Chamber of Commerce, employers, and current teachers in the field were also consulted for feedback on the standards. Once feedback was gathered, workgroups consisting of teachers, industry representatives, parents, and the public were convened. The workgroups convened for three in-person, daylong sessions. The workgroups reviewed the feedback from the field, reviewed information on employer needs and surveys to determine areas of focus for the standards. The workgroups then focused on the individual standards revisions. The proposed standards have been sent to industry for feedback and made available to the public in various formats. Larsen also discussed an estimated timeline of implementation if the proposed standards are adopted.

Agriculture, Food, and Natural Resources

Larsen testified that the revisions to the proposed agriculture, food, and natural resources standards focused on incorporating employability skills, technology, biotechnology, and the impact of global markets. Six pathways were developed, with several courses fitting into multiple pathways. Courses from the Curriculum for Agriculture Science Education courses were included. Key changes involved adding employability skills into each course, developing a middle school course, and creating courses in advanced horticulture, and advanced natural resources.

Agriculture, Food, and Natural Resources Exhibits 1-4 were received into the record and addressed. Two comments were in support of the rules. One comment requested that additional courses related to Future Farmers of America (FFA) standards. The workgroup examined this comment and responded that inclusion of such courses would dictate what should be taught and potentially overstep a teacher's role in that area. However, if adopted, the standards would identify certain examples related to FFA to make teachers aware of those options. The final comment raised the possibility of including industry certifications and made recommendations on combining duplicative standards. The workgroup is currently considering whether there are duplicative standards that may be combined. The workgroup also responded that industry certifications could be included in the unpacking process.

In response to Board questions, Larsen stated that the teaching of middle school courses in this area would not be impacted by the upcoming certification rule changes.

There was no opponent testimony.

Arts, Audio-Video Technology, and Telecommunications

Larsen testified that this cluster focuses on the production and publication of multimedia. The workgroup focused on incorporating employability skills and changes in the industry due to technology. New courses on advanced graphic design and entertainment production were included. The workgroup developed a program of study which incorporated several production courses, which are in demand regionally, and eliminated an existing desktop publishing course.

Arts, Audio-Video Technology, and Telecommunications Exhibits 1 and 2 were received into the record and addressed. One comment was in support of the proposed standards. The other comment raised concerns about changes to course names and whether multimedia course content crosses over into information technology. The workgroup responded to this comment that some courses were removed from this area because they were more tailored to the business cluster. The workgroup also indicated that Adobe is becoming more common than Microsoft, so that elimination was appropriate. Locally, courses may be titled differently but the state course codes would remain common.

In response to Board questions, Larsen stated that teachers certified to teach a certain course may teach regardless of the cluster in which the course is placed.

There was no opponent testimony.

Finance

Finance standards workgroup focused on the areas of online financial services and the importance of confidentiality in the industry, and employability skills. The workgroup discontinued business math and office administration courses which it felt were not rigorous enough. Courses on investment planning, business economics, and expanded entrepreneurship were also added.

Finance Exhibits 1-3 were received into the record and addressed. Two of the comments were in support of the proposed standards. One comment raised concerns about the depth and rigor of the courses. The workgroup responded that the courses are intended to be introductory and that teachers maintain the freedom to explore topics more in depth if the teacher felt it necessary.

There was no opponent testimony.

Health Science

Larsen testified that the revisions to the proposed health sciences standards focused on helping students understand cultural diversity, evolving technology, aging populations,. Key changes included adding Introduction to Emergency Medical Services and Introduction to Medical Diagnostics courses, as well as a course on health informatics. Industry feedback on the need for certification in this area was taken into consideration.

Health Sciences Exhibit 1 was received into the record and addressed. The comment expressed concern over the lack of math concepts in the health careers II course. The comment is currently being reviewed by the workgroup, which will determine such concepts should be integrated.

There was no opponent testimony.

Human Services

Larsen testified that the workgroup in this area focused on the importance of confidentiality and providing individualized services. One of the primary changes involved the incorporation of employability skills being incorporated into the standards. Significant changes also involved revamping a "skills for parenting" course into a course titled "relationships across the lifespan." The workgroup discussed how parenting skills transfer into multiple relationships and work-related roles and felt this shift in the course was necessary. The workgroup also developed a

consumer services course. Industry feedback on the potential rigor of nutrition courses was examined and taken into account during development of the standards.

Human Services Exhibits 1-3 were received into the record and addressed. Two comments were in support of the proposed standards. One comment raised concerns about changes to parenting courses and requested that a business course be added to the early childhood pathway. The workgroup is currently reviewing that comment and will respond at a future hearing.

There was no opponent testimony.

Manufacturing

Larsen testified that the manufacturing standards workgroup focused on employability skills and ethics, due to strong feedback from industry partners on the importance of these areas. A course on advanced machine tooling was created.

Manufacturing Exhibits 1-7 were received into the record and addressed. Six of the comments were in support of the proposed standards. One comment raised concern with the listings of industry certifications referenced in the standards. The workgroup responded that the certifications were provided as examples and are not necessarily required.

There was no opponent testimony.

The standards hearing closed at approximately 10:29 a.m. CT.

Public Hearing-Rules: Chapter 24:28 (Educator Certification)

The Board convened the first of two public hearings on the proposed educator certification rules at approximately 10:30 a.m. CT. A second and final public hearing is scheduled in March.

Proponent testimony

Abby Javurek-Humig and Carla Leingang, DOE division of assessment and accountability, testified in support of the proposed educator certification system rules. Javurek-Humig noted that the Department requested two public hearings be held in order to ensure adequate public comment from the field was received. The proposed rules were developed over a two-year period by working with a number of stakeholder groups, including the Commission on Teaching and Learning. Other groups included Board of Regents and School Administrators of South Dakota. The proposed rules are a culmination of the various opinions and information received during the development process. At all levels, however, the expectation is that educators meet both pedagogical and content knowledge requirements. Wherever possible, unnecessary barriers to obtaining certification were identified and removed. Javurek-Humig noted that the

focus here is on the certification system. The proposed rules do not cover teacher preparation programs or specific testing requirements.

Javurek-Humig addressed currently certified educators and noted that under the proposed system, almost all current certificates will be grandfathered into the new system in some way or rolled over into the most applicable certificate or endorsement that aligns with a current certificate.

Several reference documents outlining and comparing the proposed rules to the existing rules were created by the Department and posted on the Board's website, for the Board's and the public's reference.

Twenty-seven comments were received as of the morning of the hearing and will be addressed during proponent testimony. The comments will also be reviewed by the Department and various stakeholder groups.

Javurek-Humig and Leingang reviewed the proposed rules on general issuance of educator certificates. Certificate statuses are being added to the rules to clarify whether a certificate is valid, expired, or invalid. The timeline and requirements associated with each status was reviewed. Educators who allow a certificate to become invalid must show current credits in order to renew the certificate, which is the same requirement in the existing rules. The first reading proposed a system in which, in lieu of current credits, an educator with an invalid certificate could pay a fee. However, statutory authority to create such a requirement must be clarified prior to adopting such a rule.

The proposed rules also create a hardship modification to allow for one additional year to complete certification requirements. Good cause must be shown to obtain the hardship modification, which provides flexibility to applicants in certain circumstances.

Javurek-Humig and Leingang also reviewed the creation of different certificate levels under the proposed rules. Three levels are proposed: standard, professional, and advanced. The workgroups wanted to create a mechanism to recognize the continuum of progression through the field. Some new types of certificates in the areas of alternative certification and educator permits have also been created.

Updates to the timelines for certificates were reviewed. Under the existing rules, certificates were valid from the date an application was submitted until the five year expiration date. The proposed rules will issue certificates that are valid from the date of processing until the expiration date on July 1 of the fifth year, generally. Some specific areas of certificates will have shorter durations, which is consistent with existing rules.

The application requirements for an educator certificate were reviewed. A new requirement is proposed, which is the result of a statutory change, and requires applicants to have one clock hour of suicide awareness and prevention training. The Department has placed trainings on its

website to assist applicants with meeting this requirement. The proposed rules otherwise mirror existing rules which specify that incomplete applications will be purged if not completed within one year. The proposed rules also create an avenue for educators to request withdrawal of their application under certain circumstances.

Javurek-Humig and Leingang reviewed the new fee structure set up within the proposed rules. When broken down, some fees are actually less than existing fees and are based upon the amount of time needed to process the certificate applications within the Department.

In response to Board questions, Leingang stated that, for an initial certificate, an applicant must generally show completion of a preparation program. Currently, transcribed credits are a requirement for renewals for applicants who do not have an advanced degree or renewal of a lapsed certificate. All other certification requirements must also be met. Javurek-Humig stated that the proposed fee structure is within the parameters allowed by statute for increases. Javurek-Humig also clarified that application fees are not refunded upon withdrawal of an application.

Javurek-Humig and Leingang further testified that many requirements to obtain certification will remain the same under the proposed system. One change is that for initial certification, six credits in the past five years will not be required. The workgroups indicated it was not a meaningful requirement, since most applicants for initial certification were coming directly from a preparation program. Signoff and recommendation from a university preparation program will still be required. Application completion and fee will also still be required, as will completion of a character and fitness application component. Applicants will be required to show pedagogical and content knowledge. Applicants from foreign countries must have transcripts analyzed to show alignment to South Dakota requirements.

Proposed certificate levels for teachers were discussed. The levels are standard certificates for teachers new to the field, professional certificates for those with five or more years of teaching experience, and advanced certificates for those with five or more years of experience as well as an advanced degree or national board certification. This system recognizes teachers that continue their educations and earn experience in their field. The existing system allowed for issuance of one ten-year certificate, but the proposed system will remove that certificate.

In response to Board questions, Leingang and Javurek-Humig stated that the ten-year certificate was being removed because national standards commonly recommend five-year certificate periods. This allows for the rapid changes in content knowledge that teachers must show. Elimination of the ten-year certificate will also allow for more frequent character and fitness checks to ensure educators are complying with ethical standards for the profession. Javurek-Humig and Leingang discussed the character and fitness review completed by the Department, the type of information considered as part of those reviews, and the due process safeguards in place for applicants who may request review of a Departmental decision on an application. Leingang stated that existing ten-year certificates will be grandfathered into the current system, as will individuals who were issued lifetime certificates. The Department does not issue lifetime

certificates under the existing rules, but will continue to honor those that were issued under prior rules.

Javurek-Humig and Leingang further testified about preparation types and that the workgroups have attempted to simplify the preparation types. Types will include early childhood, elementary, secondary, career and technical education (CTE), K-12, early childhood special education, and K-12 special education. There will no longer be preparations for birth to preschool or middle level, or a K-8 specialization.

A rule on dual credit employees is also proposed to specify that university or post-secondary technical institute employees providing dual credit courses are exempt from needing an educator certificate, since they are technically employed outside the K-12 arena.

Javurek-Humig and Leingang reviewed requirements for administrator certification and stated that the requirements to receive initial certification in this area are similar to current certification requirements. Requirements include a bachelor's degree or higher, completion of a South Dakota Indian Studies course, passage of a state-designated content test, and recommendation from a university. Foreign applicants will need to obtain a transcript evaluation to ensure alignment to South Dakota requirements is present.

Levels of administrator certificates are standards and professional, where the professional certificate is issued to those with five or more years of experience. Administrator certificates will have a duration of five years.

A primary change to administrator certificate requirements is that assistant superintendents and assistant principals will be required to meet the same requirements as regular superintendents and principals. There will be a two-year delay in implementation of those rules.

In response to Board questions, Javurek-Humig stated that the requirements for assistant superintendents and principals arose from the concern of the workgroup that some accredited schools titled staff members as assistant superintendents or principals in order to employ noncertified administrators. The workgroup was concerned that individuals were performing the duties of those positions without the qualifications and required experience. Leingang also clarified that years of experience from a principal position will apply to an administrator's certificate if a person moves to a superintendent position, allowing them to retain a professional level certificate. Leingang and Javurek-Humig also discussed Praxis test requirements for administrators and clarified that the law currently requires the educator leadership Praxis, but enforcement of that requirement has not been consistent and depends on the preparation program requirements. Going forward, the Praxis test is likely to be the state-designated content test, but is currently listed in the reference documents for illustrative purposes only.

Javurek-Humig and Leingang reviewed the proposed rules on the different types of preparation listed on administrator certificates. The types include superintendent and K-12 principal. Former types of principal certificates were more varied, but the workgroups requested that it be limited to one type of principal.

In response to Board questions, Javurek-Humig and Leingang clarified that this was requested by higher education representatives and will be an ongoing discussion with university educator preparation programs.

Javurek-Humig and Leingang then reviewed the proposed requirements for education specialist certificates. The proposed rules mirror many requirements of the current rules. The education specialist certificate will require a bachelor's degree and university signoff and recommendation. This area does not have varied certificate levels and the duration of these certificates is five years. The areas of certification include curriculum director, school psychologist, school counselor, special education director, school psychological examiner, mentor teacher, mentor counselor, technology integrationist, and technology coordinator. Only school counselors and mentor school counselor certificate will be required for those positions. The other certificates are optional and not required as a prerequisite for employment.

In response to Board questions, Leingang stated that currently, a counselor that has not completed a school counselor program cannot obtain the endorsement. The proposed rules do provide a pathway for those individuals to obtain certification as a school counselor. A school could hire a counselor who has not specifically completed a school counselor program, but they could not be titled as a school counselor. They would likely be called a student advisor.

Leingang also explained that rules regarding speech language pathologists are now handled by the South Dakota Department of Health.

Javurek-Humig stated that special education directors do not require the endorsement to be titled as a special education director, but in order to complete evaluations, sign off on IEPs, and meet certain federal requirements, individuals do need to be certified educators.

Javurek-Humig and Leingang testified regarding the requirements for educator permits. This is an area with new requirements. This area used to be called stand-alone certificates. This is being changed to permits to clarify that these individuals have unique skill sets to provide key professional and support services, but may not have completed an educator preparation program or alternative certification program. Endorsements cannot be added to these permits.

Javurek-Humig and Leingang reviewed who needs a permit to be employed in a school, how permits may be added, and the permit application process. Certified educators may add permits to a certificate upon meeting the permit requirements. However, permit holders must complete a preparation program to move to a teacher, administrator, or education specialist certificate. The application process for permits mirrors the teacher and administrator application process, but the fee is lower.

Javurek-Humig and Leingang provided examples about permit areas and the associated requirements, including the Lakota/Dakota/Nakota regular and eminent scholar permits. These permits require three credits and recommendation for licensure from an educator preparation program or tribal language expert.

Performing artist permit requirements were also reviewed. This is a non-renewable permit issued for five years. This permit will be issued at the request of a district that is unable to hire a certified educator in specific areas. The permit may be issued to individuals with a high school diploma and five years verified occupational experience in the requested field. This permit provides flexibility to districts that cannot find certified educators and may have to otherwise cut programs.

In response to Board questions, Javurek-Humig discussed the proposed restriction that a performing artist permit not be issued to those who have completed a degree in education but did not complete student teaching, pass the state-designated pedagogy test, or pass the state-designated content test. There was some confusion since other areas only require a high school diploma. The workgroup felt that those who were unable to complete program requirements or obtain university signoff should not be able to utilize the performing artist permit as an alternative way to obtain a teaching position. The Board requested that the Department reexamine the restriction on performing artist permits.

Leingang addressed Board questions regarding renewability of the performing artist permit after the expiration of the five-year duration. Leingang stated the performing artist permit was developed because some districts were cutting programs when a certified educator could not be hired. This permit is not designed to be a permanent fix, which is why it is nonrenewable. During the five-year duration, a district should attempt to find a certified educator. The alternative certification pathway is an example of how a permit holder could continue teaching beyond the five-year duration of the permit. The Board requested that the Department reexamine renewability of the performing artist permit.

President Kirkegaard declared a lunch break at approximately 12:02 p.m. CST.

President Kirkegaard called the meeting to order at approximately 12:35 p.m. CST and continued the hearing on the proposed educator certification rules.

Javurek-Humig and Leingang testified in support of the proposed rules and detailed requirements for a new permit for expert lecturers, which are similar to the requirements for a performing artist permit. This permit is designed to be issued to non-trained educators with unique qualifications. A permit holder must have a minimum of a master's degree and experience in the field. This permit was developed at the request of districts with access to pockets of expertise in their community that want to access that expertise for students' benefit.

In response to Board questions, Javurek-Humig stated that individuals with significant experience, but without a master's degree, have the opportunity to teach via the alternative certification program. This permit is similar to a visiting lecturer in higher education or an adjunct instructor. Issuance of the permit is not automatic, but has to be approved by the Department to ensure its being utilized correctly.

Javurek-Humig and Leingang also reviewed the requirements for the athletic coaching permit. The proposed requirements are similar to existing requirements. The permit is not required to serve as a coach, because individuals need to meet SDHSAA requirements. There are some differences between the permit requirements and SDHSAA requirements. Higher education and some teachers in the field requested this permit not be removed to increase employability for those that qualify for the permit.

Javurek-Humig and Leingang discussed requirements for international exchange permits. This is a nonrenewable, five-year permit issued upon request of a district. The applicant must hold a valid visa and obtain an approved transcript analysis. Individuals who want to continue teaching in South Dakota beyond the permit expiration date must meet regular requirements for licensure. This is intended for individuals coming to the state for a short period of time.

In response to Board questions, Javurek-Humig clarified that permits or endorsements may be added when a certificate is issued or renewed and the cost will be folded into the overall certificate fee. If an educator wanted to add a permit or endorsement in the middle of a certificate's duration, there would be an additional processing fee to add the permit or endorsement.

Javurek-Humig and Leingang testified about the requirements for the driver's education permit, which is a five-year renewable permit. Current requirements are a high school diploma and eight credits, and the intent is keep that consistent. New requirements were added after consultation with the Department of Public Safety and will bring the permit into alignment with national expectations. The proposed permit will require applicant's to be at least 21 years old, hold a valid driver's license, and pass certain criminal conviction checks involving traffic-related offenses. These new requirements will have a two-year delayed implementation.

The requirements for an American Sign Language or Braille education permit were reviewed. The Department worked with the South Dakota School for the Deaf and Blind to create the requirements. This permit is a five-year, renewable permit, and will require the state-designated content test and coursework completion.

Javurek-Humig noted that state-designated coursework is not specifically set out in rule for each certificate or certificate area. The coursework is set through a workgroup process and provides the Department with flexibility to ensure the required coursework stays current with the needs of the field.

The requirements for the paraprofessional permit were reviewed. Currently, paraprofessionals are not certified in South Dakota. Schools are responsible for showing paraprofessionals meet federal requirements to receive Title I funds. This causes issues for portability of the paraprofessionals because the school receives the certificate of compliance. Certification of the individuals will allow schools to show compliance with federal requirements and will allow the Department to conduct similar checks on paraprofessional qualifications and character and fitness.

Character and fitness of paraprofessionals has been an ongoing concern. There have been several cases of paraprofessionals moving from district to district after ethics issues came to light. Because the individuals are not certified, the conduct is not tracked and there is no recourse for revocation or suspension of the individual. Several cases do not result in criminal action, but concern ethical violations. Permits will require the paraprofessionals to follow a code of ethics and complete regular character and fitness reviews. As paraprofessionals work with particularly vulnerable students, the workgroups felt certification of these individuals is important.

There are two types of proposed paraprofessional permits: standard and advanced. The permits would be five-year and renewable. Standard paraprofessional permits would require a high school diploma or equivalent, or be at least 18 and pass the state-designated content test. Advanced paraprofessional permits would require fulfillment of the federal requirements—completion of an associate's degree or verified 48 hours of college credit, or have a high school diploma and passed state-designated content test. Fulfillment of the advanced paraprofessional permit requirements mirror the federal requirements and allow paraprofessionals to be paid with Title I funds.

In response to Board questions, Javurek-Humig stated that an advanced paraprofessional permit requires passage of the state-designated content test. For a standard permit, they must either have a high school diploma, or be eighteen and pass the content test.

Secretary Schopp stated that the proposed rules do not impose new requirements, and also spoke about the paraprofessional permit fee. Schopp stated that the safety factors related to holding paraprofessionals to character and fitness requirements are significant when compared to the \$25 cost.

Holly Farris, Board legal counsel, discussed the mechanism available for ethics complaints against paraprofessionals. Current statutory authority indicates the mechanism for paraprofessionals would be the Professional Teachers Practices and Standards Commission.

Javurek-Humig reiterated that the permit requirements for paraprofessionals are not to impose fees or create barriers, but to protect students and ensure the paraprofessionals in classrooms are qualified and safe. The fee can be reexamined, but it is already unlikely that the proposed fee will cover the entire processing cost.

Javurek-Humig and Leingang reviewed the requirements for a school business official permit. This permit is not required, but many individuals choose to obtain it.

In response to Board questions, Javurek-Humig reiterated that this permit is not required for a school to employ a business official.

The requirements for the proposed CEO permit were reviewed. The CEO permit is a five-year, renewable permit. The permit may be issued to applicants with a bachelor's degree or higher, serving in a leadership role similar to a superintendent or principal, who come into the role outside of a traditional education route. Persons serving in this role are not permitted to be titled as superintendents or principals. The workgroup also recommended that CEO permit holders not be allowed to complete teacher evaluations. The intent is that this permit will replace noncertified administrator waiver routes.

Javurek-Humig and Leingang reviewed the proposed rules on alternative educator certification. Alternative preliminary certificates will be required prior to participation in the alternative certificate route. This will allow districts to fully comply with statutory requirements. The preliminary certificate is a two-year, renewable certificate and allows someone to be certified in any alternative certification program. Requirements include a bachelor's degree or higher, an associate's degree or higher in a CTE field, or 4,000 hours of verified work experience. Renewal requirements include suicide prevention training. The Board requested that the Department reexamine the timeline in which applicants would need to apply for the certificate in light of school districts' interview and hiring schedules.

The general education alternative certification proposed requirements are similar to the existing requirements. The most significant change is the proposed increase to coursework requirements, which will have a two-year delayed implementation.

The proposed initial alternative certification requirements are also increasing. The requirements are completion of a bachelor's degree with at least a 2.5 GPA. The proposed rules remove the requirement that the bachelor's degree be obtained within two years prior to applying to the alternative certification program. Prior alternative certification program did not permit alternative certification to teach elementary school. The proposed rules would adjust that and allow alternative certification holders to teach grades 5-8 or 7-12, but not K-4 grades. Alternative certification can be renewed twice.

In response to Board questions, Leingang stated that alternative certification was being opened up to grades 5-8 because the workgroup felt the content knowledge extended to grades 5-8, but not K-4.

Districts currently need to show need in order to hire someone with alternative certification. That requirement is staying the same.

The proposed requirements for CTE alternative certification are not undergoing any significant changes, as the current rules were implemented last year. The primary change is the title—the certificate used to be CTE specialist and is now proposed as CTE alternative certification. It is also proposed to be a one-year certificate. A level for advanced CTE alternative certification is also being proposed.

In response to Board questions, Javurek-Humig stated that CTE requirements for individuals without a CTE preparation would result in a standard CTE alternative certificate. An advanced CTE alternative certificate would be awarded to individuals with a CTE preparation to enable them to teach a full cluster within CTE. This mirrors the rules passed last year.

Requirements for the Teach for America (TFA) alternative certification requirements were reviewed. The current option will continue, which allows elementary school certification. All other requirements are similar to general alternative certification. Only additional criteria is that applicants participate in and receive training from TFA. The proposed coursework requirements remain the same.

In response to Board questions, Leingang stated that the coursework requirement includes fifteen credits in the specified areas. Javurek-Humig noted that the Department consulted with teacher preparation programs which will bundle coursework to cover the required areas. The listed areas are the ones suggested by the workgroup. Leingang further stated that the listed courses are the requirements of the Teacher for America program. Each state implements Teach for America differently.

Javurek-Humig and Leingang reviewed the requirements for special education alternative certification. The specific purpose of this program is to allow general education teachers to go through the alternative certification route to teach special education. The Department worked with different special education groups to develop these requirements. The program requires a valid teacher certificate and three years of teaching experience within the last five years. The teacher's preparation program should also be related to the special education alternative certification available. For example, if the applicant would like to teach early childhood special education, completion of an early childhood preparation program is required. This is a one year certificate, renewable for three years. The employer of a participant in this program must also complete requirements. Additional requirements for the applicant include a six-credit, year-long practicum, nine hours of coursework in specified areas, a pedagogy test, and signoff from the employing school.

In response to Board questions, Leingang stated that once the endorsement is completed, the holder may move to another district and the special education endorsement will remain on their certificate. Javurek-Humig noted that this program is anticipated for use by districts that have immediate need of a special education teacher and have a willing general education teacher to fill that role. The yearlong practicum has specific skills and courses embedded and the applicant is mentored by a special education teacher. The expectation is that individuals who want to meet the current coursework requirements for the special education

endorsement will still have that option. The presence of a mentor teacher in the program requirements ensures that federal requirements may still be met. Once the alternative certification is obtained, the special education teacher is able to complete federally required actions on their own. This program is needed because there are currently 63 teachers on plans of intent to become special education teachers in 32 different districts.

Javurek-Humig and Leingang reviewed the requirements for the administrator alternative certification program. This is a new area of alternative certification that gives applicants five years to complete the program. The applicant is required to obtain the alternative preliminary certificate. To complete the program, a superintendent applicant must have a master's degree or higher, and have three years' experience in a leadership role within a business or as a teacher in a leadership role. Passage of the state-designated content test, passage of the state-designated pedagogy test, and completion of 21 transcribed credits are also required.

Principal applicants have slightly different requirements, such as completion of a state-approved teacher preparation program or alternative certification program, have three or more years teaching experience, and pass the state-designated content test in school leadership. The workgroup believed teacher experience is needed for this certification, as well as eighteen transcribed credits earned with a C or higher. The employer requirements for program participation were also detailed.

In response to Board questions, Javurek-Humig reiterated that superintendent certification is available via the traditional route, as well as alternative certification routes. The CEO permit is also a limited option. Leingang stated that the five year completion time, which is reduced from current route of ten years to complete the endorsement requirements, came at the recommendation of the workgroup. Leingang also stated that if an applicant is currently in the middle of completion of an administrator program, the applicant will have until the end of the allowable ten-year period. The new program requirements will not be imposed, but the requirements will roll over with current participants. The Board requested that the Department examine the requirement that an applicant in this area take a pedagogy test even if the applicant has also completed an educator preparation program.

The details of the proposed rules on educator reciprocity were reviewed. This is a new area of rules, as the existing system did not provide official options for reciprocity. Under the existing system, applicants were required to meet all South Dakota requirements in the respective areas. That could entail passage of content tests or coursework. This was identified as a barrier and effort were made to eliminate it. All applicants for South Dakota certification must complete the required Indian studies course and suicide prevention training. Beyond that, the proposed rules allow teachers who completed a teacher preparation program or an alternative program in another state to qualify for SD certification upon display of an active certificate from another state. These individuals can obtain certification in the same areas as their existing certificate. Teachers completing alternative certification in another state with active certificates from that state need three years teaching experience in the last five years may also qualify for certification in the same certification areas in South Dakota.

The proposed rules provide for issuance of a one-year provisional certificate to complete the South Dakota Indian studies and suicide awareness and prevention training. Once an applicant for reciprocity meets the requirements, they will receive endorsements which align to the areas of their existing certificate. Some individuals may still require a content test to receive certain endorsements on a South Dakota certificate. New endorsements for these individuals require completion of all South Dakota requirements.

Reciprocity of certification for military spouses remains the same under the proposed rules as the existing system.

In response to Board questions, Javurek-Humig stated that the workgroup found that the human relations coursework skills are being provided in many other courses required for certification. Universities need more flexibility to offer the skills where they need to within the respective programs. Thus, this course is not specifically required under the proposed educator certification rules.

Secretary Schopp noted that there have been consistent difficulties in aligning with the human resources requirements, particularly for out-of-state teachers. It added additional cost and was not specifically required by statute, like Indian studies.

Javurek-Humig stated that if an individual comes to South Dakota with an active certificate in another state, no content test will be required. Additionally, Indian studies course is typically taken within the first year of a program, however there may be some circumstances in which would be taken over the course of a three-year program, like alternative certification programs. Those individuals would work with their universities on completion of that requirement. Regardless, Indian studies is always three credits, as is required by statute.

Javurek-Humig and Leingang reviewed the proposed rules on certificate renewal requirements. Many renewal processes remain the same under the proposed rules as under the existing rules. Dates of expiration remain the same, as to the requirements to complete the renewal application, pay a fee, and complete renewal credits. The credits must be completed since the last certification to meet requirements. State statute also requires suicide prevention training for each renewal. That cannot be waived and can be obtained for free online.

Up to three specialized learning credits may be completed in lieu of transcribed credits for renewal in certain circumstances. Those credits may consist of not just service, but also instruction provided by an applicant to teacher candidates as part of teacher preparation program instruction. This option was developed at the request of stakeholder feedback.

A new option for certification of active military duty members has also been developed for the proposed rules. Individuals who were called to active duty whose certificates expired while on active duty will be eligible for certification renewal at no additional fee.

A one-time, one-year temporary certificate may be issued to an individual who needs additional time to complete renewal requirements, specifically to complete the six credits required to renew a certificate. This is similar to the existing rules.

The renewal requirements will differ depending on the type of certificate or level of certificate. The respective requirements for standard teacher certificates, advanced teacher certificates, standard administrator certificates, and professional administrator certificate were reviewed.

In response to Board questions, Javurek-Humig stated that the workgroup recommended that three transcribed credits and three CEUs be obtained even if an administrator has a master's degree. This is due to feedback that administrators at the beginning of their career benefit from transcribed credits. The required credits for classroom teachers differ because expectations for teachers are different from administrators, as they fulfill different leadership roles. The Board requested that the Department reexamine the renewal credit requirements in this area and consider amending the proposed rules.

Javurek-Humig and Leingang further reviewed the proposed renewal requirements for education specialist certificates and alternative certificates. School counselors may use National Board of School Counselor certification or six CEU credits to meet renewal requirements. Alternative certification renewal will require district signoff that an applicant is making progress toward completion of the alternative certification program. Suicide awareness and prevention training will also be required for renewal.

Proposed rules for renewal of educator permits would require suicide awareness and prevention training and completion of six CEUs.

The proposed requirements for athletic coaching permits mirror the existing requirements, such as first aid, concussion awareness, and fundamentals of coaching requirements.

In response to Board questions, Javurek-Humig clarified that national board certification is five years in duration. National board certification may be applied towards renewal requirements, but suicide awareness and prevention training is still required. If an individual chooses not to complete national board certification and that certification lapses, the individual will then be required to meet all other requirements to renew and maintain educator certification.

Javurek-Humig and Leingang reviewed the proposed rules on requirements to obtain endorsements. In the past, the Department has looked at school structure when determining which assignments people are eligible to teach. Under the proposed rules, assignments will be tied directly to endorsements. The primary consideration in qualification for endorsements is which type of preparation program an individual completed, as this will dictate which requirements they must fulfill for the respective endorsements.

Content knowledge and pedagogy must be shown at every level to obtain endorsements. Depending on the preparation program completed and which endorsement is being sought, a

combination of requirements must be fulfilled. Those requirements may consist of a state-designated content test, state-designated pedagogy test, subject major in content, designated coursework, a CTE methods course, or other endorsement-specific requirements.

Javurek-Humig and Leingang summarized the respective endorsement requirements for individuals with secondary preparation, K-12 preparation, early childhood special education preparation, K-12 special education preparation, CTE preparation, early childhood education preparation, elementary preparation, and administrator preparation. They also summarized which endorsements are available to individuals with the respective preparations and which endorsements are not available.

In response to Board questions, Javurek-Humig stated that individuals can add an endorsement if they have content major, passed a content test, or completed coursework. Generally, a major consists of 27 credits completed with a 2.7 GPA or higher. In discussions with Board of Regents and other higher education programs, no programs were pointed out that do not require at least 27 credits.

Leingang noted that under the current rules, an applicant could not use a content major to obtain an endorsement, only a content test or coursework. The proposed system adds that flexibility.

Javurek-Humig and Leingang stated that an early childhood endorsement allows someone to teach birth through grade three and allows a teacher to have a self-contained classroom in grades K-3. This is different from self-contained K-4.

Leingang also clarified that early childhood has always referred to grades through grade three. Currently, with early childhood preparation, an individual can teach K-3 and get endorsements for grades 5-12, but would have to go back and obtain other preparation to teach fourth grade.

Javurek-Humig discussed the content tests required for elementary and middle school endorsements, and recommendations regarding opportunities to qualify for K-8 endorsements with composite tests versus individual subject area tests.

The Board requested that the Department examine options for middle school levels endorsements and whether elementary content tests could or should be used to show content knowledge for both elementary and middle school levels.

Javurek-Humig and Leingang also discussed the option of intermediate level content tests and endorsements to provide options to special education teachers. Intermediate level tests allow special education teachers to obtain endorsements without having to take multiple subject-area specific tests that may not be applicable.

The Department of Education 411 database will show which endorsements an educator has obtained. Leingang noted that the database will improve under the new certification system.

Currently, the database shows highly qualified or core content subjects an educator is certified to teach. Under the new system, the database will show all subject areas an educator is able to teach.

The Board also requested that the Department review the levels of teacher certificates and whether the levels of standard, advanced, and professional are truly necessary. Board comments indicated concern with whether teachers can be recognized for experience through endorsements or other process.

Educator Certification Exhibits 1-27 were received into the record and addressed.

One comment expressed support of the options for alternative certification pathways, but expressed concerns about the concept of asking individuals who completed a preparation program to also complete a content test.

Comment two raised concerns about the wording of a particular rule. The language and phrasing was reviewed by the Department and the Department feels the current wording is appropriate.

Comment three expressed concerns about paraprofessional permits given the high turnover and low salary in that field. Javurek-Humig reiterated that the creation of the paraprofessional permit was the result of discussion with the workgroup and recognition of the vital role that paraprofessionals play in working with vulnerable students. The workgroups feel it is important for paraprofessionals to be held to the same ethical standards as other educators.

Comment four supported the implementation of a fee instead of transcribed credit requirements for renewing an invalid certificate. As previously discussed, this rule was removed after the first reading in order to clarify statutory authority in this area.

Comment five supports the proposed changes, but would like to see more moves towards multi-area content tests to provide more flexibility to teachers. Javurek-Humig noted that the rules themselves do not require specific tests and the conversations about content tests are separate and will not occur until after the proposed rules are acted upon by the Board. Those conversations will include feedback from stakeholders.

Comments six through 21 came from members of the South Dakota Association of School Psychologists and requested that the option be added for National Certified School Psychologist certification as an allowable way for renewal of education specialist certificates.

Comment 22 expressed support for the creation of the eminent scholar Lakota/Dakota/Nakota permit.

Comment 23 supports the proposed rules relating to special education and believes the proposed rules will remove some unnecessary barriers to help small schools attract and retain special education teachers.

Comment 24 expressed support for the general flexibility of the rules, but raised concern that a ten-year certificate will no longer be offered to reward those that obtain a master's degree. Javurek-Humig reiterated that the workgroup recommended that five-year certificates be the standard to align with national standards and to allow regular ethics reviews of educators.

Comment 25 expressed general support for the idea of decreasing and eliminating Praxis test requirements, provided that college coursework was passed with an appropriate GPA.

Comment 26 raised concerns about performing artist permits and the ability of permit holders to handle classroom management and discipline, as well as districts utilizing permit holders in good faith instead of certified teachers. The comment further expressed concern that the permit doesn't address the concerns about individuals in schools being underpaid and undervalued to fill these roles. Javurek-Humig noted that the permits were created at the request of schools who wanted the option in order to keep programs alive, rather than having to not offer services to students. The workgroup shared some of the commenter's concerns, which is why mentoring and support requirements are built in to the permit. The permits are not designed to be a permanent solution to staffing problems.

Comment 27 shared concerns about K-4 and 5-8 endorsements, and wanted to make sure that the system would be set up in a way that K-8 endorsements would be consistent. The comment raised further concerns about paraprofessional permit costs and implementation. The commenter raised concerns about alternative certification pathways watering down the profession. Finally, the comment expressed that superintendents don't believe standard, advanced, and professional teaching certificates are necessary.

The proposed rules recommend the utilization of one test which covers K-8. The Department will continue to have conversations about these rules. Javurek-Humig also noted that if paraprofessional rules are adopted, there will be a two-year delay for districts to plan for implementation.

The comments will be reviewed by the Department and taken to the workgroup for additional feedback and consideration.

In response to Board questions, Leingang stated that the Department would examine keeping middle level endorsements to provide additional flexibility to school districts. As long as it does not create additional requirements on other endorsements, implementation should not be an issue.

Sandy Arseneault, South Dakota Education Association, spoke in favor of the process to develop the rules and noted that the proposed rules were vetted by a lot of people. Arseneault noted

that there will be a few areas that will be good to revisit in light of the comments and feedback received to date, but overall the rules are positive.

Opponent testimony

There was no opponent testimony.

The Board discussed procedure for the second hearing on the educator certification rules and information that needs to be covered.

Farris clarified for the record that a prior public notice listed the correct date, but a clerical error listing the day of the week was noted. The Department received no questions or comments regarding the notice. Members of the public have an additional public hearing to provide testimony or comment on the rules.

Schallenkamp left the meeting at approximately 2:40 p.m. CST.

The rules hearing closed at approximately 3:37 p.m. CST.

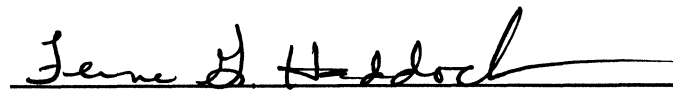
Secretary's Report

Secretary Schopp thanked to all those who participated in development of the proposed educator certification rules and provided an update on legislative session action to date.

Adjournment:

Motion by Vyas, second by Aguilar, to adjourn the meeting. Voice vote, all present voted in favor. Motion carried.

The meeting was adjourned at 3:42 p.m. CST.



Ferne G. Haddock

3/22/2017

Date 03/22/2017